

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,  
  
Plaintiff,

v.

ALFONSO OLIVERA-AVILA,  
  
Defendant.

NO. CR-05-0102-EFS

**ORDER GRANTING THE  
GOVERNMENT'S ORAL MOTION TO  
DISMISS AND DENYING AS MOOT  
ALL PENDING MOTIONS**

On March 24, 2006, during a sentencing hearing held in Case No. CR-05-0124-EFS, the Court sentenced Defendant Alfonso Olivera-Avila to a fifty-seven (57) month term of imprisonment. During that hearing, Defendant was represented by David Miller, and Aine Ahmed appeared on behalf of the Government. At the conclusion of the sentencing hearing, the Government orally moved the Court for a dismissal of the Superceding Indictment (Ct. Rec. 29) filed in this case. The Government's oral motion was made pursuant to the terms of the parties' plea agreement in Case No. CR-05-0124-EFS.

Under Federal Rule of Criminal Procedure 48(a), the Government may, with leave of the Court, dismiss an indictment. Accordingly, finding no reason to not permit the Government to dismiss the Superceding Indictment in this case, the Court hereby grants the Government's oral motion to dismiss.

1       **IT IS HEREBY ORDERED:**

2       1. The Government's oral motion to dismiss is **GRANTED**. The  
3 Superceding Indictment (**Ct. Rec. 29**) filed in Case No. CR-05-0102 is  
4 **DISMISSED**.

5       2. All pending motions are **DENIED AS MOOT**.

6       **IT IS SO ORDERED.** The District Court Executive is directed to enter  
7 this Order and provide a copy to counsel and the United States Probation  
8 Office.

9       **DATED** this 24<sup>th</sup> day of March, 2006.

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11                               S/ Edward F. Shea  
12                               EDWARD F. SHEA  
13                               United States District Judge

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